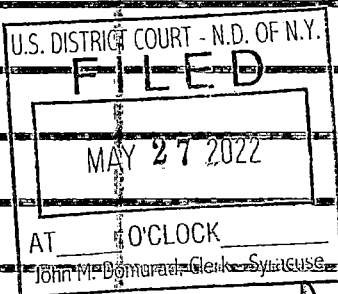


UNITED STATES DISTRICT COURT FOR
NORTHERN DISTRICT OF NEW YORK

JAMES P. THAMA, PROSE, C.E.O. OF
J&W TRADING AND LEASING INC. ET AL.
PLAINTIFFS



CIVIL ACTION, NO: 5-22-CV-00427
(GLS/ML)

-AGAINST-

CITIZENS BANK, N.A. ET AL.

MOTION TO DISMISS DEFENDANT'S
MOTION TO DISMISS PLAINTIFF SUMMARY
JUDGMENT PURSUANT TO L.R. 56.

1. IT IS A FACT THAT DEFENDANTS ARE
PUTTING BEFORE THIS COURT WHERE THIS
COURT DID NOT HAVE A RULING AND A
DECISION CONCERNING THE BIG ISSUE →

1.

OF BREACHING OF FIDUCIARY DUTY AND BREACH OF A LEGAL CONTRACTS

IT IS A FACT THAT, PURSUANT TO NEW YORK LAWS, IT IS INCUMBERT UPON THE DEFENDANTS TO SHOW THIS COURT THAT JUDGE GARY L. SHARPE DID MAKE A DECISION AND RULING CONCERNING BREACH OF FIDUCIARY DUTY AND BREACH OF LEGAL CONTRACTS THAT PLAINTIFFS SIGNED IN DEFENDANTS BANKS OFFICES.

IT IS A FACT THAT, WHEN PLAINTIFF FILED HIS CLAIM IN 2015 HE PRESENTED SEVERAL ISSUES AND THE ISSUE OF FIDUCIARY DUTY WAS SKIPPED BECAUSE JUDGE GARY L. SHARPE, THOUGHT THAT THIS WAS A STATE COURT ISSUE. HE DID NOT KNOW THAT THERE WAS DIVERSITY OF DEFENDANTS. IN THIS SITUATION JUDGE SHARPE SKIPPED THE FIDUCIARY BREACH, AND BREACH OF CONTRACT.

IT IS A FACT THAT THE ISSUE OF BREACH OF FIDUCIARY DUTY AND BREACH OF LEGAL CONTRACTS WERE NEVER REVIEWED IN THIS HONORABLE DISTRICT COURT.

IT IS A FACT THAT, DEFENDANTS DO NOT HAVE ANY EVIDENCE TO SHOW THAT THIS COURT MADE A RULING AND THE DECISION WAS ENTERED.

IT IS A FACT THAT, COURT OF APPEALS DID NOT WANT TO TOUCH IT BECAUSE IT DID NOT HAVE A DISTRICT COURT FOUNDATION.

IT IS A FACT THAT PLAINTIFF DID TRY TO SHOW THAT HE WAS LOSING A LOT OF MONEY, BUT COURT OF APPEALS FOUND THE ISSUES TO HAVE NO APPEAL FOUNDATION; WHICH IS A RULING/DECISION IN THE DISTRICT COURT. "THERE IS NONE"

IT IS A FACT THAT, SINCE THIS ISSUE WAS NOT PROSECUTED IN THIS HONORABLE COURT, THEN LET DEFENDANT'S SHOW THIS COURT THE DECISION AND ITS RULING.

THE BREACH OF FIDUCIARY IN THIS CASE AT BAR, IS NOT A STATE ISSUE, THEY HAVE NO JURISDICTION.

IT IS A FACT THAT COURT OF APPEALS DID NOT WANT TO TAKE ANY ISSUE THAT WAS NOT RULED IN THE DISTRICT COURT. TO THEM, THEY WERE LOOKING AT THESE ISSUES AS FIRST TIME; THERE WAS NO RULING BY COURT OF APPEALS EITHER.

WHEREFORE, DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT MUST BE DENIED, THEY HAVE NO MERIT.

PREPARED AND PRESENTED BY

J. P. L. A.

JAMES P. L. A. PROS, PLAINTIFF

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